

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed December 9, 2009. The status of the application is as follows:

- Claims 1-20 are pending, claims 1, 9, 10 and 13 have been amended, and claims 14-20 have been added;
- Claims 1-8 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter;
- Claims 1, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Weng et al. (US 5,575,286); and
- Claims 2-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weng et al.

The objections and rejections are discussed below.

The Allowed Claims

The Examiner is thanked for indicating that claim 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Aspects of claim 13 have been included in independent claims 1, 9 and 10. Applicant reserves the right to re-write claim 13 as indicated by the Examiner at a later time.

The Rejection under 35 U.S.C. 101

Claims 1-8 stand rejected under 35 U.S.C. 101. In particular, the Office asserts that the claimed invention is directed to non-statutory subject matter. Claims 1-8 have been amended to overcome the rejection, rendering the rejection thereof moot.

The Rejection of Claims 1, 9 and 10 under 35 U.S.C. 102(b)

Claims 1, 9 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Weng et al. This rejection should be withdrawn because Weng et al. does not teach each and every element as set forth in the subject claims and, therefore, does not anticipate claims 1, 9 and 10.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). MPEP §2131.

Independent **claim 1** has been amended to include aspects of claim 13 and is now directed to a method of image registration including the step of, *inter alia*, **performing a registration of an outlier transformation parameter set**. The Office has conceded that Weng et al. does not teach or suggest aspects recited in claim 13 (Office Action, p. 6). Accordingly, it is believed that claim 1 is in condition for allowance, and this rejection should be withdrawn.

Independent **claims 9 and 10** have been amended to recite aspects similar to those recited in connection with claim 1. As such, the above discussion regarding claim 1 applies *mutatis mutandis* to claims 9 and 10, and this rejection should be withdrawn.

The Rejection of Claims 2-4 and 11-12 under 35 U.S.C. 103(a)

Claims 2-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weng et al. **Claims 2-4 and 11-12** respectively depend from claims 1 and 10, and are allowable at least by virtue of their dependencies.

New Claims 14-20

Newly added claims 14-20 emphasize various aspects. No new matter has been added. The aspects in these claims are absent from the art of record. Entry and allowance of claims 14-20 is respectfully requested.

Application No. 10/541,406

Amdt. Dated: March 2, 2010

Reply to Office Action Dated: December 9, 2009

Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael J. Corrigan". The signature is written in a cursive, flowing style.

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